



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

JAMAREE JAMES,

Plaintiff,

RESURGENT CAPITAL SERVICES /
LVNV FUNDING LLC,

Defendant.

Case No.: [To Be Assigned]

1:25-cv-1833-JPB

PLAINTIFF'S MOTION TO REMAND
DUE TO UNTIMELY REMOVAL

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COMES NOW **Jamaree James**, Plaintiff *pro se*, and files this Motion to Remand this action back to the State Court of Fulton County pursuant to 28 U.S.C. § 1447(c), on grounds that the Defendant's removal was procedurally defective and filed **after the statutory deadline**. In support of this motion, Plaintiff shows the Court as follows:

I. BACKGROUND AND PROCEDURAL POSTURE

1. Plaintiff commenced this civil action on February 4, 2025 in the State Court of Fulton County, Georgia (Case No. 25EV001279).

2. On March 7, 2025, Plaintiff served Defendant Resurgent Capital Services / LVNV Funding LLC with a copy of the Summons and Complaint. A certified Proof of Service is attached hereto as Exhibit A.

1 3. Under 28 U.S.C. § 1446(b)(1), a notice of removal must be filed “within 30
2 days after the receipt by the defendant... of a copy of the initial pleading.”

3
4 4. Thirty days from March 7, 2025, was April 6, 2025. Defendant filed its Notice
5 of Removal on April 7, 2025 — one day late. This renders the removal
6 procedurally defective and untimely as a matter of law.

7
8 **II. LEGAL STANDARD**

9 5. The removal statutes are strictly construed, and **any doubt must be**
10 **resolved in favor of remand.** (*Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S.
11 100 (1941)). A defendant’s failure to file within the 30-day window under 28
12 U.S.C. § 1446(b) constitutes grounds for remand. See also:

- 13
14 • *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347–48
15 (1999)
16 • *Snapper, Inc. v. Redan*, 171 F.3d 1249, 1252 (11th Cir. 1999)
17

18 6. Here, the record is clear: the Defendant was served on March 7, 2025. Their
19 April 7, 2025 removal attempt is fatally flawed.

20
21 **III. THE COURT MUST REMAND AND MAY AWARD COSTS**

22 7. Under 28 U.S.C. § 1447(c), “[a] motion to remand the case on the basis of
23 any defect other than lack of subject matter jurisdiction must be made within 30
24 days after the filing of the notice of removal.” This motion is timely.
25

1
2
3 8. Because the removal was not only untimely but plainly so — and appears to be
4 a bad-faith attempt to delay the case — Plaintiff also respectfully requests that
5 this Court award costs and actual expenses incurred due to the improper removal.

6
7 **IV. PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff respectfully requests that this Court:

- 9 1. GRANT this Motion and REMAND the case back to the State Court of Fulton
10 County;
11 2. AWARD Plaintiff reasonable costs and expenses under 28 U.S.C. § 1447(c);
12 3. GRANT such other and further relief as the Court deems just and proper.

13 Respectfully submitted this 8th day of April, 2025.

14 **Respectfully submitted,**

15 /s/ Jamaree James

16 Plaintiff, Pro Se

17 75 Washington St., #274 Fairburn, Ga 30213

18 678-775-9078

19 jamaree.rjames@gmail.com

20 Dated: 4/8/2025

21 **CERTIFICATE OF SERVICE**

22 I hereby certify that a true and correct copy of the foregoing Motion to
23 Remand was served upon the following counsel of record by U.S. Mail
24 and/or CM/ECF on this 8th day of April, 2025:

25 **R. Frank Springfield**

BURR & FORMAN LLP

420 North 20th Street, Suite 3400

Birmingham, AL 35203

fspringfield@burr.com

/s/ Jamaree James

Jamaree James, Pro Se

EXHIBIT A

IN THE STATE COURT OF FULTON COUNTY, STATE OF GEORGIA

JAMAREE JAMES

Case No 25EV001279

vs

Plaintiff/Petitioner

RESURGENT CAPITAL SERVICES / LVNV FUNDING
LLCAFFIDAVIT OF SERVICE OF
COMPLAINT

Defendant/Respondent

Received by Sterling Joyner, on the 6th day of March, 2025 at 2:57 PM to be served upon RESURGENT CAPITAL SERVICES / LVNV FUNDING LLC. c/o c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT at 508 Meeting St, West Columbia, Lexington County, SC 29169.

On the 7th day of March, 2025 at 11:59 AM, I, Sterling Joyner, SERVED RESURGENT CAPITAL SERVICES / LVNV FUNDING LLC. c/o c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT at 508 Meeting St, West Columbia, Lexington County, SC 29169 in the manner indicated below:

CORPORATE SERVICE, by personally delivering 1 copy(ies) of the above listed documents to the named Corporation, by serving Danielle Chriz- Office Manager, on behalf of said Corporation.

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS:

I delivered the documents to Danielle Chriz- Office Manager who identified themselves as the person authorized to accept with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a brown-haired white female contact 35-45 years of age, 5'4"-5'6" tall and weighing 120-140 lbs.

Service Fee Total: \$95.00

Per 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

NAME:

Sterling Joyner

Server ID #

Date

Notary Public: Subscribed and sworn before me on this 13th day of March in the year of 2025

Personally known to me _____ or _____ identified by the following document: AOS

Notary Public (Legal Signature)

SAMANTHA T. JACKSON
Notary Public, State of South Carolina
My Commission Expires 5/18/2032

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Tracking #: 0161754364

